

03-04-02

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EXPRESS MAIL NO.: EL924205666US

ATTORNEY DOCKET NO. 07038.0003U2

SERIAL NO. Unassigned (Continuation of 09/302,642)

PAGE 1 OF 3 (03/01/02)

CONTINUING APPLICATION TRANSMITTAL FORM
(37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS APPLICATION:

PRIOR APPLICATION: 09/302,642

CLASS:

SUBCLASS:

EXAMINER: Nickol, G.

ART UNIT: 1642

To the Assistant Commissioner for Patents:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/302,642 filed on May 3, 1999, which is a continuation of 08/808,334 filed February 28, 1997, which is a continuation of 08/160,361, filed November 29, 1993, which is a continuation of 07/989,504 filed December 11, 1992, which is a continuation of 07/449,907 filed February 13, 1990, which is a 35 U.S.C. § 371 application of PCT EP89/00403 filed April 14, 1989, which claims priority from German application number P3812605.2 filed April 15, 1988, of Peter Leskovar for "DRUGS AND METHODS FOR TREATING CANCER."

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventor of the invention being claimed in this application is: PETER LESKOVAR

3A. ☒ This application is a continuation or divisional application (not a continuation-in-part) that:

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
- (ii) contains no matter that would have been new matter in the prior application; and
- (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☒ is enclosed.
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

--OR--

3B. ☐ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.
☐ will follow.

4. ☒ Amend the Title of the Invention as follows: DRUGS AND METHODS FOR TREATING CANCER

5. ☐ Amend the specification by inserting before the first line the sentence:

This application is a of, and claims the benefit of, application Serial No. , filed which status is , which application is hereby incorporated herein in its entirety by reference.

6.	<input type="checkbox"/>	Priority of foreign application number , filed on in is claimed under 35 U.S.C. § 119.																												
	<input type="checkbox"/>	The certified copy has been filed in prior application Serial No. , filed on .																												
7.	<input type="checkbox"/>	Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)																												
8.	<input type="checkbox"/>	A preliminary amendment is enclosed.																												
9.	<input type="checkbox"/>	New formal drawings are enclosed.																												
10.	<input checked="" type="checkbox"/>	Also enclosed is/are: 1. Communication; 2. Declaration of Peter Leskovar Under 37 C.F.R. § 1.132; and 3. Authorization to Treat Reply Requiring Extension of Time as Incorporating Petition for Extension of Time and Payment of Extension of Time Fee																												
11.	<input type="checkbox"/>	The prior application is assigned of record to:																												
12.	<input checked="" type="checkbox"/>	Applicant claims small entity status. See 37 C.F.R. § 1.27.																												
13.	The filing fee is calculated as follows:																													
	TOTAL CLAIMS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">9 - 20 = 0</td> <td style="width: 20%;">0</td> <td style="width: 20%;">x \$18.00</td> <td style="width: 40%;">\$0</td> </tr> <tr> <td>INDEPENDENT CLAIMS</td> <td>1 - 3 = 0</td> <td>0</td> <td>x \$84.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) = 0</td> <td>+ \$280.00</td> </tr> <tr> <td colspan="3">BASIC FEE =</td> <td>\$740.00</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$740.00</td> </tr> <tr> <td colspan="3">REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)</td> <td>\$370.00</td> </tr> <tr> <td colspan="3">TOTAL NATIONAL FEE =</td> <td>\$370.00</td> </tr> </table>	9 - 20 = 0	0	x \$18.00	\$0	INDEPENDENT CLAIMS	1 - 3 = 0	0	x \$84.00	MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) = 0			+ \$280.00	BASIC FEE =			\$740.00	TOTAL OF ABOVE CALCULATIONS =			\$740.00	REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)			\$370.00	TOTAL NATIONAL FEE =			\$370.00
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TOTAL NATIONAL FEE =			\$370.00																											
14.	<input checked="" type="checkbox"/>	Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$370.00 is enclosed.																												
15.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account No. 14-0629.																												

16. [X] The Power of Attorney in the prior application is to: Needle & Rosenberg, P.C.
- a. [X] The Power of Attorney appears in the original papers in the prior application.
- b. [] Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Gwendolyn D. Spratt



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PATENT TRADEMARK OFFICE

17. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Gwendolyn D. Spratt
REG. NO. 36,016

Gwendolyn D. Spratt
SIGNATURE

3-1-02
DATE

- [] Inventor(s)
- [] Assignee of complete interest
- [X] Attorney or agent of record
- [] Filed under 37 C.F.R. § 1.34(a)
(Registration No. is acting under 37 C.F.R. § 1.34(a):

EXPRESS MAIL NO. EL924205666US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL924205666US in an envelope addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231, on this 1st day of March, 2002.

David Thorpe
David Thorpe

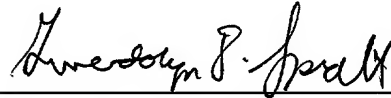
3-1-02
DATE

ATTORNEY DOCKET NO. 07038.0003U2
PATENT

The Commissioner is also authorized to charge all required extension of time fees under 37 C.F.R. § 1.17 to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Gwendolyn D. Spratt
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.
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127 Peachtree Street, N.E.
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(404) 688-0770

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL924205666US in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231, on this 1st day of March, 2002.


David Thorpe

3-1-02
Date